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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of:

Melvin S. MOGIL

Group Art Unit: 3728

Serial No.: 09/617,045

Examiner: David T. Fidei

Filed: July 14, 2000

Attorney Dkt. No.: 100570-00004

For: PACK ASSEMBLY

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**TERMINAL DISCLAIMER UNDER 37 C.F.R. §1.321(c)**

Assistant Commissioner for Patents  
Washington, D. C. 20231

Sir:

Petitioner, California Innovations Inc., having its place of business at 4211 Yonge Street, Suite 610, Toronto, Ontario M2P 2A9 Canada, represents that it is the assignee and owner of all right, title and interest in and to U. S. Patent Application Serial No. 09/617,045, filed July 14, 2000, for PACK ASSEMBLY, the assignment for the application being recorded in the Patent and Trademark Office on February 27, 2001 at Reel 011547, Frame 0489. Petitioner is also the assignee of all right, title, and interest in and to U. S. Patent No. 6,237,776 B1, filed May 10, 2000, for PACK STRUCTURE the assignment for this patent being recorded in the Patent and Trademark Office on October 7, 1998 at Reel 9520, Frame 0005.

Petitioner hereby disclaims the terminal part, if any, of any patent granted on application Serial No. 09/617,045, which would extend beyond the expiration date of patent no. 6,237,776, and hereby agrees that any patent so granted on application Serial No.

09/617,045, shall be enforceable only during such period that the legal title to such patent shall be the same as the legal title to patent no. 6,237,776, this agreement to run with any patent granted on application Serial No. 09/617,045, and to be binding on its grantee, its successors, or assigns.

Petitioner does not disclaim any terminal part of any patent granted on the above-identified application prior to the expiration date of the full statutory term as presently shortened by any terminal disclaimer of patent no. 6,237,776 in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. 1.321(a), has all claims cancelled by a reexamination certificate, or is otherwise terminated prior to the expiration of its statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

The undersigned on behalf of petitioner, California Innovations Inc., hereby states and declares that I have the authority to execute this Terminal Disclaimer on behalf of the petitioner.

I hereby declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further that the statements were made with the knowledge that willful false statements and the like so made are punishable by fine and/or imprisonment under Section 1001 of Title

18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing therefrom.

Respectfully submitted,

**CALIFORNIA INNOVATIONS INC.**

By: Rhonda D. Barton

Title: Attorney for Applicant

Date: December 10, 2001

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SUBMISSION OF TERMINAL DISCLAIMER

Commissioner for Patents  
Washington, D. C. 20231

Date: December 10, 2001

Sir:

Submitted herewith for filing in the above-identified application, is a Terminal Disclaimer.

Included in the attached check is the amount of Fifty Five Dollars (\$55.00) to cover the cost of the fee. In the event that this check is found to be insufficient, or if any additional fees are due with respect to the filing of this paper, please charge Deposit Account Number 01-2300.

Respectfully submitted,  
ARENT FOX KINTNER PLOTKIN & KAHN PLLC

By: Rhonda L. Barton  
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